

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9030 of 2021

Arising Out of PS. Case No.-352 Year-2019 Thana- LALGANJ District- Vaishali

JITENDRA RAI Son of Satan Rai Resident of Village - Jalalpur, P.S. -
Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh

For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 05-01-2022 This matter has been taken up for hearing online
because of COVID – 19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is expected to
honour his undertaking to remove the defects, as pointed out by
the office, when called upon to do so by the office.

The petitioner is apprehending his arrest in connection
with Lalganj P.S. Case No. 352 of 2019 for the offence
registered under Sections 30(a), 32(2) and 41 of the Bihar
Prohibition and Excise Act, 2018.

The prosecution case in nutshell is that in the instant
case total 944.28 liters of foreign liquor was seized from the co-
accused Mukesh Kumar.



Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. It is further submitted that no incriminating wine was recovered from the conscious and constructive possession of the petitioner.

From perusal of the petition, it appears that five cases of similarly nature have been registered against the petitioner which shows that the petitioner is a habitual offender Hence, it is not a fit case for grant of anticipatory bail to the petitioner.

It is, accordingly rejected.

However, the petitioner is directed to surrender before the court below and file an application for regular bail on which the court below may pass necessary orders in accordance with law without being prejudiced by the present order.

(Sunil Kumar Panwar, J)

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